

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** St Paul District  
**FILE NUMBER:** 03-07051-DJP

**REGULATORY PROJECT MANAGER:** Dale J. Pfeiffle **Date:** October 22, 2004

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office Y (Y/N) **Date:** 2004  
 At the project site    (Y/N) **Date:**                     

**PROJECT LOCATION INFORMATION:**  
**State:** Wisconsin  
**County:** Waukesha  
**Center coordinates of site by latitude & longitudinal coordinates:** 43.0762034190666N,  
88.2052749078786W  
**Approximate size of site/property (including uplands & in acres):** 2 acres  
**Name of waterway or watershed:** Upper Fox, Illinois, Wisconsin

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands		X							
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									
_____									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary    Or Approved X.

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): An application was received for the installation of 4-aerial transmission line structures within 4-separate wetland complexes. A review a wetland delineation report, USGS quadrangles, and local topographic maps indicated that 2 of the impacted wetlands were confined to isolated depressions and are not adjacent to waters of the US. The project would temporarily impact approximately 0.218 acre of the isolated wetlands and would permanently impact 0.002 of the isolated wetlands.

The other two impacted wetlands within the utility line corridor are tributary to the Fox River, a navigable water of the US and therefore, subject to Corps Sec. 404 jurisdiction.